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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,279	10/25/2000	Hidehiro Matsumoto	00USFP543-HS	2056

21254 7590 05/27/2003

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EXAMINER	
NGUYEN, DAVID Q	
ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 05/27/2003

Remailed

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EXAMINER	
NGUYEN, DAVID Q	
ART UNIT	PAPER NUMBER
2681	4

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/695,279	MATSUMOTO, HIDEHIRO	
	Examiner	Art Unit	
	David Q Nguyen	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2, 4-5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on 10/25/00; 12/18/02, and 12/19/02 have been considered by the Examiner and made of record in the application file.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rasanen (US Patent Number 6445924).

Regarding claim 19, Rasanen discloses changing specific one connection between the portable terminal and the specific one wireless communication gateway server apparatus to another connection between the portable terminal and one of another access point of the wireless communication gateway server apparatus, which is used when the specific one wireless communication gateway server apparatus has a congestion (see col. 3, lines 55-67).

Regarding claim 21, Rasanen also shows communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephone server apparatus communicate through a network (see fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia (US Patent Number 5930699) in view of Rasanen (US Patent Number 6445924) and further in view of Kusaki et al. (US Patent Number 5749053) and Hussain et al. (US Patent Number 6173180).

Regarding claims 1 and 8, Bhatia discloses a mobile wireless communication system comprising: information source server apparatus storing information (fig. 1; database 55; col. 2, lines 41-45); a portable terminal carrying out a communication with the information source server apparatus through a wireless communication line and having a buffer memory which stores the information transmitted from the information source server apparatus (see fig. 1; col. 3, lines 26-41); and transferring the information from the information source server apparatus to the portable terminal based on the specification data (see col. 3, lines 26-40). Bhatia is silent to disclose a plurality of wireless communication gateway server apparatuses, wherein a specific one of the plurality of wireless communication gateway server apparatuses which is determined based on an informed position of the portable terminal; has a buffer memory emulator which stores specification data which represents a specification of the buffer memory, having a plurality of access points, and transferring the information from the information source server apparatus to the portable terminal based on the specification data; a switching apparatus setting a specific one connection between the portable terminal and a specific one wireless communication gateway server apparatus or another connection between the portable terminal and another wireless communication gateway server apparatus, which is used when the communication between the portable terminal and the specific one wireless communication gateway server apparatus congests; and a wireless telephony server apparatus informing the

position of the portable terminal to the plurality of wireless communication gateway server apparatuses; a wireless telephony server apparatus informing the position of the portable terminal to the plurality of wireless communication gateway server apparatuses. However, Rasanen shows a plurality of wireless communication gateway server apparatuses (see fig. 1; BSC); and a switching apparatus setting a specific one connection between the portable terminal and a specific one wireless communication gateway server apparatus or another connection between the portable terminal and another wireless communication gateway server apparatus, which is used when the communication between the portable terminal and the specific one wireless communication gateway server apparatus congests (see col. 4, lines 22-41); and Kusali discloses wherein a specific one of the plurality of wireless communication gateway server apparatuses which is determined based on an informed position of the portable terminal; has a buffer memory emulator which stores specification data which represents a specification of the buffer memory (see col. 12, lines 33-48), and having a plurality of access points (see fig. 1, BS110a), specific one of which is determined based on a informed position of the portable terminal (see col. 5, lines 54-57; lines 63-67; fig. 1); and Hussain discloses a wireless telephony server apparatus informing the position of the portable terminal to the plurality of wireless communication gateway server apparatuses (see col. 3, lines 55-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kusaki, Hussain, and Rasanen to Bhatia so that the switching should exchange messages indicating overload and also recommend some ways in which traffic towards an over-loaded switch may be reduced.

Regarding claims 2 and 9, Bhatia discloses a mobile wireless communication system modified by Rasanen, Kusaki and Hussain comprising all of the limitations as claimed above. Rasanen also discloses wherein the specific one wireless communication gateway server apparatus requests the switching apparatus to change a connection from the specific one connection to the other connection based on the informed position (see col. 4, lines 30-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Rasanen to Kusaki Bhatia and Hussain so that the switching should exchange messages indicating overload and also recommend some ways in which traffic towards an over-loaded switch may be reduced.

Regarding claim 3, Bhatia discloses a mobile wireless communication system modified by Rasanen, Kusaki and Hussain comprising all of the limitations as claimed above. Rasanen also discloses wherein the specific one wireless communication gateway server apparatus decides the other wireless communication gateway server apparatus so that a new connecting destination of a connection between the one connection and the other connection is determined (see col. 4, lines 30-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Rasanen to Bhatia, Kusaki and Hussain so that the switching should exchange messages indicating overload and also recommend some ways in which traffic towards an over-loaded switch may be reduced.

Regarding claim 4, Bhatia discloses a mobile wireless communication system modified by Rasanen and Hussain comprising all of the limitations as claimed above. Bhatia also discloses transferring the information from the information source server apparatus to the portable terminal based on the read specification data (see col. 3, lines 18-25). Kusaki also discloses wherein the

specific one wireless communication gateway server apparatus informs to the other wireless communication gateway server apparatus the specification data which is read from the buffer memory emulator; and the other wireless communication gateway server apparatus stores the read specification data in the buffer memory emulator thereof (see col. 12, lines 34-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kusaki to Rasanen, Bhatia, and Hussain in order update location data of mobile unit.

Regarding claims 5 and 11, Bhatia discloses a mobile wireless communication system modified by Rasanen, Kusaki and Hussain comprising all of the limitations as claimed above. Rasanen also discloses a network which is connected to the specific one wireless communication gateway server apparatus, the another wireless communication gateway server apparatus (see fig. 1; telephone network PSTN/ISDN), the switching apparatus and the wireless telephony server apparatus, wherein the specific one wireless communication gateway server apparatus, the another wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through the network (see fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Rasanen to Bhatia, Kusaki and Hussain in order to make connections form mobile to other mobile via the network.

Regarding claim 10, Bhatia discloses a mobile wireless communication system modified by Rasanen, Kusaki and Hussain comprising all of the limitations as claimed above. Hussain also discloses the wireless communication gateway server apparatus refers the specification data in the buffer memory emulator to access the portable terminal through the other access point (see

col. 3, lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Hussain to Rasanen, Bhatia, Kusaki in order to make connections form mobile to other mobile via the network.

6. Claims 6, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia (US Patent Number 5930699) in view of Rasanen (US Patent Number 6445924) and further in view of Kusaki et al. (US Patent Number 5749053) and Hussain et al. (US Patent Number 6173180) and Gentry (US Patent Number 6453162).

Regarding claims 6 and 12, Bhatia discloses a mobile wireless communication system modified by Rasanen, Kusaki and Hussain comprising all of the limitations as claimed above. They are silent to disclose an internet network which is connected to the specific one wireless communication gateway server apparatus, the another wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus, wherein the specific one wireless communication gateway server apparatus, the another wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through the internet network. However, Gentry shows an internet network which is connected to the specific one wireless communication gateway server apparatus (see fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Gentry to Rasanen, Hussain, Kusaki and Bhatia so that user can access internet via mobile wireless network.

7. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia (US Patent Number 5930699) in view of Rasanen (US Patent Number 6445924) and further in view of Kusaki et al. (US Patent Number 5749053) and Hussain et al. (US Patent Number 6173180). and Valentine et al. (US Patent Number 6449478).

Regarding claims 7 and 13, Bhatia discloses a mobile wireless communication system modified by Rasanen, Kusaki and Hussain comprising all of the limitations as claimed above. They are silent to disclose a satellite network which is connected to the specific one wireless communication gateway server apparatus, the another wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus, wherein the specific one wireless communication gateway server apparatus, the another wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through the satellite network. However, Valentine discloses a satellite communicate with MSC (see fig. 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Valentine to Rasanen, Hussain, Kusaki and Bhatia so that satellite network can be used with the mobile wireless network.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen (US Patent Number 6445924) in view of Hussain (US Patent Number 6173180).

Regarding claim 20, Rasanen discloses a method for mobile wireless communication system comprising all of the limitations as claimed above. Rasanen also discloses requesting a change from a specific one connection to the other connection to a switching apparatus which

sets a connection for portable terminal based on the informed position (see col. 4, lines 30-38). Rasanen is silent to disclose informing a position of the portable terminal from a wireless telephone server apparatus to the wireless communication gateway server apparatus. However, Hussain discloses informing a position of the portable terminal from a wireless telephone server apparatus to the wireless communication gateway server apparatus (see col. 3, lines 55-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Hussain to Rasane so that the system can update the current location of mobile unit.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen (US Patent Number 6445924) in view of Gentry (US Patent Number 6453162).

Regarding claim 22, Rasanen discloses a method for mobile wireless communication system comprising all of the limitations as claimed above. Rasanen is silent to disclose communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through an internet network. However, Gentry shows communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through an internet network (see fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Gentry to Rasanen so that user can access internet via mobile wireless network.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen (US Patent Number 6445924) in view of Valentine et al. (US Patent Number 6449478).

Regarding claim 23, Rasanen discloses a method for mobile wireless communication system comprising all of the limitations as claimed above. Rasanen is silent to disclose communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through a satellite network. However, Valentine shows communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through a satellite network (see fig. 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Valentine to Rasanen so that satellite network can be used in mobile wireless network.

11. Claims 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaki et al. (US Patent Number 5749053) in view of Rasanen (US Patent Number 6445924)

Regarding claims 14 and 24, Kusaki discloses a method and a wireless communication gateway server apparatus for mobile wireless communication system comprising a buffer memory emulator storing a specification data which represents a specification of a buffer memory of a portable terminal when the portable terminal is connected to the specific one wireless communication gateway server apparatus (see col. 12, lines 41-46); transferring the specification data from the specific one wireless communication gateway server apparatus to the another wireless communication gateway server apparatus when the other connection is set (see col. 12, lines 33-48). Kusaki is silent to disclose changing specific one connection between the

portable terminal and the specific one wireless communication gateway server apparatus to another connection between the portable terminal and one of another access point of the wireless communication gateway server apparatus, which is used when the specific one wireless communication gateway server apparatus has a congestion. However, Rasanen discloses changing specific one connection between the portable terminal and the specific one wireless communication gateway server apparatus to another connection between the portable terminal and one of another access point of the wireless communication gateway server apparatus, which is used when the specific one wireless communication gateway server apparatus has a congestion (see col. 3, lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Rasanen to Kusaki so that the switching should exchange messages indicating overload and also updating location data of mobile unit.

12. Claims 15-16 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaki et al. (US Patent Number 5749053) in view of Rasanen (US Patent Number 6445924) and further in view of Hussain (US Patent Number 6173180).

Regarding claim 15 and 25, Kusaki discloses a method and a wireless communication gateway server apparatus for mobile wireless communication system modified by Rasane comprising all of the limitations as claimed above. Rasanen also discloses wherein the specific one wireless communication gateway server apparatus requests the switching apparatus to change a connection from the specific one connection to the other connection based on the informed position (see col. 4, lines 30-38). They are silent to disclose informing a position of the

portable terminal from a wireless telephony server apparatus to the specific one wireless communication gateway server apparatus. However, Hussain discloses informing a position of the portable terminal from a wireless telephony server apparatus to the specific one wireless communication gateway server apparatus (see col. 3, lines 55-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Hussain to Rasanen and Kusaki in order to update position of the portable unit when handoff occurs.

Regarding claim 16, Kusaki discloses a method and a wireless communication gateway server apparatus for mobile wireless communication system modified by Rasane comprising all of the limitations as claimed above. Rasanen also shows communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephone server apparatus communicate through a network (see fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Rasanen to Hussain and Kusaki in order to make connections form mobile to other mobile via the network.

Regarding claim 26, Kusaki discloses a method and a wireless communication gateway server apparatus for mobile wireless communication system modified by Rasane comprising all of the limitations as claimed above. Kusaki also discloses a plurality of access points (see fig. 1, BS110a), specific one of which is determined based on a informed position of the portable terminal (see col. 5, lines 54-57; lines 63-67; fig. 1). And Rasanen discloses requesting to the switching apparatus which sets a connection for the portable terminal a change from a specific one connection of the specific one access point to the another connection of another access point

based on the position of the portable terminal (see col. 4, lines 30-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Hussain to Rasanen and Kusaki in order to make a hanoff when the portable unit move out of the serving cell.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaki et al. (US Patent Number 5749053) in view of Rasanen (US Patent Number 6445924) and further in view of Gentry (US Patent Number 6453162).

Regarding claim 17, Kusaki discloses a method and a wireless communication gateway server apparatus for mobile wireless communication system modified by Rasane comprising all of the limitations as claimed above. They are silent to disclose communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through an internet network. However, Gentry shows communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through an internet network (see fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Gentry to Rasanen and Kusaki so that user can access internet via mobile wireless network.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaki et al. (US Patent Number 5749053) in view of Rasanen (US Patent Number 6445924) and further in view of Valentine et al. (US Patent Number 6449478).

Regarding claim 18, Kusaki discloses a method and a wireless communication gateway server apparatus for mobile wireless communication system modified by Rasane comprising all of the limitations as claimed above. They are silent to disclose disclose communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through a satellite network. However, Valentine shows communicating the wireless communication gateway server apparatus, the switching apparatus and the wireless telephony server apparatus communicate through a satellite network (see fig. 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Valentine to Rasanen and Kusaki so that satellite network can be used in mobile wireless network.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 7036054254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9508 for regular communications and 703-305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN

David Nguyen

ERIKA GARY
PATENT EXAMINER